

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

BETTY M. MEADOWS,

Plaintiff,

v.

CIVIL CASE NO. 1:14-15147

CAROLYN W. COLVIN,

Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). (Doc. No. 4). Magistrate Judge Eifert submitted her Proposed Findings and Recommendation ("PF&R") to the court on May 26, 2015, in which she recommended that the district court deny plaintiff's request for judgment on the pleadings, deny the Commissioner's request for judgment on the pleadings, that the Commissioner's decision be reversed, that the matter be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), and that the action be dismissed, with prejudice, and removed from the court's docket.¹

¹ Both parties submitted briefs in support of their respective positions; the Magistrate Judge construed these briefs as motions for judgment on the pleadings. (Doc. No. 13 at 1).

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Eifert's PF&R. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's PF&R within the seventeen-day period. Having reviewed the PF&R filed by Magistrate Judge Eifert, the court adopts the findings and recommendation contained therein.

Accordingly, the court **ADOPTS** the factual and legal analysis contained within the PF&R, **DENIES** plaintiff's request for judgment on the pleadings, (Doc. No. 11), **DENIES** defendant's request for judgment on the pleadings, (Doc. No. 14), **REVERSES** the final decision of the Commissioner, **REMANDS** the case to the Commissioner of Social Security for further administrative proceedings, and **DIRECTS** the Clerk to remove this matter from the court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to all counsel of record.

It is **SO ORDERED** this 18th day of June, 2015.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge